

EXHIBIT A

State Court Pleadings



Service of Process Transmittal

09/26/2017

CT Log Number 532001308

TO: Herbert Frerichs, General Counsel/Legal Department
Perdue Farms Inc.
31149 Old Ocean City Rd
Salisbury, MD 21804-1806

RE: Process Served in South Carolina

FOR: Perdue Farms Inc. (Domestic State: MD)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Henry Allen Banks, Jr., Pltf. vs. Perdue Farms, Inc., Dft.

DOCUMENT(S) SERVED: Letter, Certificate of Service, Cover Sheet, Summons, Complaint

COURT/AGENCY: Dillon County Court of Common Pleas, SC
Case # 2017CP170470

NATURE OF ACTION: Employee Litigation - Wrongful Termination

ON WHOM PROCESS WAS SERVED: CT Corporation System, Columbia, SC

DATE AND HOUR OF SERVICE: By Certified Mail on 09/26/2017 postmarked on 09/25/2017

JURISDICTION SERVED : South Carolina

APPEARANCE OR ANSWER DUE: Within 30 days after the service hereof, exclusive of the day of such service

ATTORNEY(S) / SENDER(S): J. Lewis Cromer
Cromer Babb Porter & Hicks, LLC
1418 Laurel Street
Suite A
PO Box 11675
Columbia, SC 29211
803-799-9530

ACTION ITEMS: CT has retained the current log, Retain Date: 09/27/2017, Expected Purge Date: 10/02/2017

Image SOP

Email Notification, Kaye Wilgus kaye.wilgus@perdue.com

Email Notification, Drew Getty Drew.getty@perdue.com

SIGNED: CT Corporation System

ADDRESS: 2 Office Park Court
Suite 103
Columbia, SC 29223

TELEPHONE: 804-217-7255

CERTIFIED MAIL



91 7199 9991 7037 2949 3756

C|B|P|H

CHROMER RABB PORTER & HICKS, LLC
Attorneys and Counselors at Law

1418 Laurel Street, Suite A
PO Box 11675
Columbia, SC 29211



CT Corporation System
Registered Agent for Perdue Farms, Inc.
2 Office Park Court, Suite 103
Columbia, SC 29223

2922395348 CODE



C | B | P | H

CROMER BABB PORTER & HICKS, LLC

Attorneys and Counselors at Law

J. Lewis Cromer * Julius W. Babb, IV * J. Paul Porter
Ryan K. Hicks * Shannon M. Polvi * Samantha E. Albrecht

September 25, 2017

Certified Mail/Return Receipt Requested

Receipt #91 7199 9991 7037 2949 3756

CT Corporation System
Registered Agent for Perdue Farms, Inc.
2 Office Park Court, Suite 103
Columbia, SC 29223

Re: Henry Allen Banks, Jr. v. Perdue Farms, Inc.
Civil Action No.: 2017-CP-17-0470

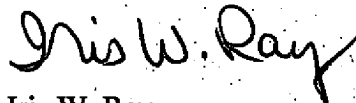
Dear Sir or Madam:

Enclosed please find a filed copy of the Civil Cover Sheet, Summons and Complaint regarding the above referenced matter, which is hereby served upon you as Registered Agent for Perdue Farms, Inc.

Should there be any questions or concerns, please do not hesitate to have your legal representative contact the office.

With kind regards, I remain

Sincerely,



Iris W. Ray
Litigation Paralegal

/iwr
Enclosures

cc: Henry Banks, Jr.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF DILLON

Case No.: 2017-CP-17-0470

Henry Allen Banks, Jr.,

Plaintiff,

vs.

Perdue Farms, Inc.,

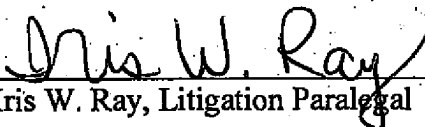
Defendant.

CERTIFICATE OF SERVICE

This is to certify that the undersigned employee of Cromer Babb Porter & Hicks, LLC, did cause to have served on September 25, 2017, a copy of the Civil Action Coversheet, Summons and Complaint, by First Class Mail, certified mail, return receipt requested, postage prepaid, to the following Registered Agent at the below indicated address:

Certified Mail/Return Receipt Requested
CT Corporation System
Registered Agent for Perdue Farms, Inc.
2 Office Park Court, Suite 103
Columbia, SC 29223

Receipt #91 7199 9991 7037 2949 3756


Iris W. Ray, Litigation Paralegal

STATE OF SOUTH CAROLINA

COUNTY OF DILLON

Henry Allen Banks, Jr., **Plaintiff,**

vs.

Perdue Farms, Inc.,

Defendants.IN THE COURT OF COMMON PLEAS
IN THE FOURTH JUDICIAL CIRCUIT

CIVIL ACTION COVERSHEET

C/A No.: 2017-CP-17- **470**Submitted By: J. Lewis Cromer
Address: Cromer Babb Porter & Hicks, LLC
P.O. Box 11675
Columbia, SC 29211SC Bar #: 1470
Telephone #: 803-799-9530
Fax #: 803-799-9533
E-mail: jlc@cbphlaw.com**DOCKETING INFORMATION (Check all that apply)**

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|--|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Fraud/Bad Faith (150)
<input type="checkbox"/> Failure to Deliver/Warranty (160)
<input type="checkbox"/> Employment Discrim (170)
<input checked="" type="checkbox"/> Employment (180)
<input type="checkbox"/> Other (199) _____ | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) _____ | Torts - Personal Injury
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Assault/Battery (370)
<input type="checkbox"/> Slander/Libel (380)
<input type="checkbox"/> Other (399) _____ | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) _____ |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) _____ | Administrative Law/Relief
<input type="checkbox"/> Reinstate Drv. License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) _____ | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Confession of Judgment (770)
<input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)
<input type="checkbox"/> Other (799) _____ | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Comm. (990)
<input type="checkbox"/> Employment Security Comm (991) |
| Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699)
<input type="checkbox"/> Sexual Predator (510)
<input type="checkbox"/> Permanent Restraining Order (680) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Out-of State Depositions (650)
<input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)
<input type="checkbox"/> Pre-Suit Discovery (670) | Other (999)
_____ | |

Submitting Party Signature: _____

J. Lewis Cromer

Date: September 20, 2017

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA

COUNTY OF DILLON

Henry Allen Banks, Jr.,

Plaintiff,

v.

Perdue Farms, Inc.,

Defendant.

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE NO. 2017-CP-1470

SUMMONS

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is served upon you, and to serve a copy of your answer to this Complaint upon the subscriber at the address shown below within thirty (30) days (thirty-five (35) days if served by United States Mail) after service hereof, exclusive of the date of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

CROMER BABB PORTER & HICKS, LLC

BY:

J. Lewis Cromer
J. Lewis Cromer (#1470)
1418 Laurel Street, Suite A
Post Office Box 11675
Columbia, South Carolina 29202
Phone 803-799-9530
Fax 803-799-9533
jlc@cbphlaw.com

Attorneys for Plaintiff

A CERTIFIED
TRUE COPY

Dawn T. Hyatt
CLERK OF COURT
DILLON COUNTY

September 18, 2017
Columbia, South Carolina

CLERK OF COURT
DILLON COUNTY

2017 SEP 21 AM 11:31

FILED
GWENTHYATT

STATE OF SOUTH CAROLINA
COUNTY OF DILLON

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT

Henry Allen Banks, Jr.,

C/A No.: 2017-CP-17-

470

Plaintiff,

v.

COMPLAINT
(Jury Trial Demanded)

Perdue Farms, Inc.,

Defendant.

EMPLOYMENT CASE

The Plaintiff complaining of the Defendant respectfully alleges as follows.

PARTIES AND JURISDICTION

1. The Plaintiff, Henry Allen Banks, Jr. (hereinafter mentioned as "Plaintiff"), resides in Lancaster, South Carolina, and worked for Perdue Farm, Inc., in Dillon County, South Carolina, at all times mentioned herein.

2. Defendant Perdue Farms, Inc. (hereinafter mentioned as "Defendant"), is a US food and agricultural products company, headquartered in Salisbury, Maryland, with a distribution center in Dillon County, South Carolina.

3. This action alleges defamation and arises under South Carolina tort law.

4. Plaintiff and Defendant have sufficient connections to Dillon County and the occurrences giving rise to this action occurred in Dillon County. Thus, jurisdiction is proper.

FACTUAL ALLEGATIONS

5. Plaintiff began working for Defendant as a truck driver in or around February 2015.

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DILLON COUNTY

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CLERK OF COURT
DILLON COUNTY

6. Defendant later promoted Plaintiff to serve as a driver trainer, in addition to his job as a driver.

7. Plaintiff performed his job in a competent, if not more than competent, manner during his employment with Defendant.

8. However, toward the end of his employment, Plaintiff began experiencing problems after Plaintiff's supervisors and other coworkers falsely and maliciously spread rumors that Plaintiff is homosexual.

9. These statements and actions undermined Plaintiff's position with Defendant as a trainer, which required him to be confined in close quarters alone with other male employees for extended periods of time.

10. In February 2017, one of Plaintiff's supervisors, Donald Duncan (hereinafter mentioned as "Duncan"), warned one of Plaintiff's trainees on the last day of the trainee's orientation that his trainer had "sugar running through his veins" and that he "bats for the other team," suggesting plainly that Plaintiff was homosexual and may pose some sort of sexual threat to them.

11. As a result, the trainee felt uncomfortable working with Plaintiff throughout his training period, sought to avoid him, and reacted in a hostile manner toward Plaintiff when Plaintiff interacted with him.

12. After two days of hostile training sessions, the trainee did not return for training with Plaintiff and began training under David Bradley (hereinafter mentioned as "Bradley"), one of Defendant's senior trainers. Consequently, Plaintiff's work week was cut shorter than usual, and he received less pay for the week.

13. Plaintiff did not receive an explanation for the trainee's transfer at the time.

14. Bradley later informed Plaintiff that the trainee felt uncomfortable working with Plaintiff because Duncan had warned the trainee that Plaintiff was homosexual.

15. Plaintiff is not homosexual.

16. Upon information and belief, other trainees and coworkers received the same false information about Plaintiff from Defendant's employees.

17. Plaintiff informed the trainee that the information that he received about the trainee sexual orientation was false.

18. Plaintiff reported to Defendant that Duncan made false and defamatory statements about Plaintiff and created a hostile work environment for both Plaintiff and the trainee.

19. Defendant terminated Duncan following Plaintiff's reports.

20. However, the false statements about Plaintiff and the unfair treatment from Defendant, through its employees, continued after Duncan's termination.

21. Bradley addressed Plaintiff with demeaning slurs, such as "cock-sucker" and "gay-wad."

22. Bradley sent a highly offensive, lewd, and socially unacceptable picture to Plaintiff's cell phone after Duncan's termination, implying that Plaintiff would perform sexual acts on a male in exchange for money.

23. Moreover, Defendant's employees discussed whether Plaintiff was a homosexual when Plaintiff was present and made Plaintiff feel unwelcome in the workplace.

24. Defendant knew or should have known about the false statements and harsh treatment Plaintiff received from his supervisors and coworkers.

25. The false and defamatory statements by Defendant's employees created a tense and hostile work environment between Plaintiff and his trainees, coworkers, and supervisors, and made it difficult for Plaintiff to perform his job as a trainer and driver.

26. The rumors spread by Defendant's employees diminished Plaintiff's reputation in his labor-intensive workplace and further implied that Plaintiff was unfit for his position as a trainer.

27. After enduring more than two months of false statements and harassment from Defendant through Plaintiff's supervisors and other coworkers, Plaintiff reasonably felt that he could no longer work for Defendant. Plaintiff felt forced to resign from his employment with Defendant and accepted a truck driving position with Zero Waste Recycling, making less pay and receiving fewer benefits.

**FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANT
(Defamation)**

28. Where not inconsistent herewith, the Plaintiff realleges the foregoing paragraphs.

29. Defendant Perdue, by and through its employees, including employees in supervisory positions, acting in the course and scope of their employment, made false and defamatory statements about Plaintiff by telling Plaintiff's coworkers and trainees that Plaintiff was homosexual and charging Plaintiff with unfitness in his profession.

30. Plaintiff informed Defendant that such statements were false and defamatory, but the false comments and unfair treatment based on those comments from Defendant's employees continued through Plaintiff's employment until his constructive discharge.

31. Such statements are defamatory and actionable, and the Defendant is liable for Plaintiff's damages resulting therefrom. Moreover, such statements are defamatory *per se*, insomuch as they charge the Plaintiff with unfitness in his profession as a driver trainer.

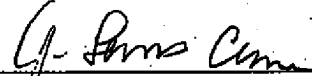
32. Defendant has proximately caused and is liable to the Plaintiff not only for nominal damages, but for actual damages in the loss of future earning capacity and benefits, humiliation, embarrassment, mental anguish, and severe reputational loss, and special damages such that Plaintiff was constructively discharged. The Plaintiff also prays for an award of punitive damages against Defendant for the willful, deliberate, and malicious conduct in an amount to be assessed by the jury.

PRAYER FOR RELIEF

WHEREFORE, for the actions alleged above, Plaintiff prays for judgment to be awarded against Defendant for all recoverable damages he has suffered as a result of the defamation as alleged herein in an appropriate amount to be determined by a jury; as well as any restitution or equitable action this Court should deem proper. Plaintiff also prays for an award of punitive damages against Defendant for the willful, deliberate, and malicious conduct in an amount to be assessed by the jury. Last, Plaintiff requests prejudgment interest be awarded on all his damages.

(SIGNATURE BLOCK ON NEXT PAGE)

CROMER BABB PORTER & HICKS, LLC

BY: 

J. Lewis Cromer (S.C. # 1470)
1418 Laurel Street, Ste. A
Post Office Box 11675
Columbia, South Carolina 29211
Phone 803-799-9530
Fax 803-799-9533
Attorneys for Plaintiff

September 20, 2017
Columbia, South Carolina